

**RECEIVED
CENTRAL FAX CENTER****FAX TRANSMISSION**

JAN 08 2004

OFFICIAL**DATE:** January 8, 2004**PTO IDENTIFIER:** Application Number 09/892227-Conf #7548
Patent Number**Inventor:** Hermann Bujard et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400**Attorney Dkt. #:** BBI-013C2CN2**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page);
Certificate of Transmission under 37 CFR 1.8 (1 page); and
Supplemental Response (2 pages).

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

LAHIVE & COCKFIELD, LLP
28 State Street, Boston, Massachusetts 02109
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

PTO/SB/97 (12-97)

Approved for use through 9/30/00 OMB 0651-0031


Patent and Trademark Office; U S DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on January 8, 2004
Date


Signature

DeAnn F. Smith
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper

Transmittal (1 page).

Certificate of Transmission under 37 CFR 1.8 (1 page), and
Supplemental Response (2 pages).

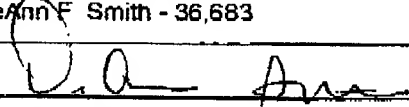
PTO/SB/21 (08-03)

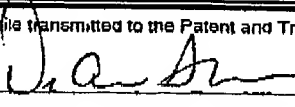
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/892227-Conf. #7548	
	Filing Date	June 25, 2001	
	First Named Inventor	Hermann Bujard	
	Art Unit	1632	
	Examiner Name	Peter Paras, Jr.	
Total Number of Pages in This Submission	1	Attorney Docket Number	BBJ-013C2CN2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left; margin-bottom: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	LAHIVE & COCKFIELD, LLP DeAnn F. Smith - 36,683
Signature	
Date	January 8, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated January 8, 2004	Signature:  (DeAnn F. Smith)

USSN 09/892227

Group Art Unit: 1632

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

JAN 08 2004

OFFICIAL

In re the application of: Hermann Bujard *et al.*

Serial No.: 09/892227

Filed: June 25, 2001

For: *Transgenic Organisms Having Tetracycline-
Regulated Transcriptional Regulatory Systems*

Attorney Docket No.: BBI-013C2CN2

Group Art Unit: 1632

Examiner: Peter Paras, Jr.

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Certificate of Facsimile

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: January 8, 2004

Signature: 

(DeAnn F. Smith)

SUPPLEMENTAL RESPONSE

Dear Sir:

This Supplemental Response is submitted in response to the Office Communication mailed December 8, 2003. Applicant provides the following Supplemental Response in addition to the Amendment and Response which was filed on September 17, 2003.

USSN 09/892227

Group Art Unit: 1632

- 2 -

Rejection of Claims 23-40 Under the Judicially Created Doctrine of Obviousness-TypeDouble-Patenting

Claims 23-34 have been rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,859,310. Applicants will submit an executed terminal disclaimer upon indication that the pending claims are allowable.

CONCLUSION

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested.

If a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



DeAnn F. Smith, Esq.
Reg. No. 36,683
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400

Date: January 8, 2004